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Attorneys for Defendant and Counterclaimant  
PHILIPS LUMILEDS LIGHTING COMPANY, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPISTAR CORPORATION,

Plaintiff,

v.

PHILIPS LUMILEDS LIGHTING  
COMPANY, LLC,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C-07-5194 CW

**DECLARATION OF RYAN SCHER IN  
SUPPORT OF PHILIPS LUMILEDS  
LIGHTING, LLC'S REPLY IN SUPPORT  
OF ITS MOTION FOR JUDGMENT ON  
THE PLEADINGS WITH RESPECT TO  
EPISTAR CORPORATION'S FIRST,  
THIRD, AND FOURTH CLAIMS  
REGARDING UNFAIR COMPETITION  
AND TORTIOUS INTERFERENCE (WITH  
EXHIBITS A-C)**

**EXHIBITS A AND B SUBMITTED UNDER  
SEAL**

Date: August 7, 2008  
Time: 2:00 p.m.  
Location: Courtroom 2, 4th Floor  
Judge: The Honorable Claudia Wilken

1 I, Ryan Scher, hereby declare as follows:

2 1. I am an attorney duly licensed and admitted to practice before this Court and an  
3 associate at the law firm of Morgan, Lewis & Bockius LLP. I am one of the attorneys for  
4 defendant and counterclaimant Philips Lumileds Lighting Company, LLC ("Lumileds"), in the  
5 present action. I have personal knowledge of the facts stated herein, and if called and sworn as a  
6 witness, I could testify competently thereto. I make this declaration in support of Lumileds'  
7 motion for judgment on the pleadings.

8 2. Attached hereto as Exhibit A is a true and correct copy of the Commission  
9 Opinion on Violation, Remedy, the Public Interest, and Bonding, issued May 9, 2007, in the  
10 ITC's investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products*  
11 *Containing Same*, USITC Inv. No. 337-TA-556. ***This exhibit contains confidential information,***  
12 ***subject to protective order.***

13 3. Attached hereto as Exhibit B is a true and correct copy of excerpted pages 71-78  
14 regarding "Licensing Defense for MB and OMA Products" from the Initial Determination, issued  
15 January 8, 2007, in the ITC's investigation *In the Matter of Certain High-Brightness Light*  
16 *Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. ***This exhibit***  
17 ***contains confidential information, subject to protective order.***

18 4. Attached hereto as Exhibit C is a true and correct copy of *Bylin Heating Sys. v.*  
19 *M&M Gutters, LLC et al.*, 2008 U.S. Dist. LEXIS 21253 (E.D. Cal. 2008).

20 I declare under the penalty of perjury under the laws of California and the United States  
21 that the foregoing is true and correct. Executed this 24th day of July, 2008 in Palo Alto,  
22 California.

23 Respectfully submitted,  
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By /s/ Ryan L. Scher  
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